

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LEONIDAS STROTHERS)	
f/k/a GABRIEL STROTHERS,)	
)	
Plaintiff,)	
)	Case No. _____
v.)	
)	[Removed from the Superior Court
META PLATFORMS, INC., f/k/a)	of Gwinnett County, Georgia, Case
FACEBOOK INC.,)	No. 23A04019-6]
)	
Defendant.)	
)	

NOTICE OF REMOVAL

Defendant Meta Platforms, Inc. hereby removes Case No. 23A04019-6 from the Superior Court of Gwinnett County to the United States District Court, Northern District of Georgia pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. As explained further below, removal is proper based on diversity jurisdiction.

I. INTRODUCTION

1. On May 9, 2023, Plaintiff filed a complaint against Meta Platforms, Inc. (“Meta”) in the State Court of Gwinnett County styled LEONIDAS STROTHERS FKA GABRIEL STROTHERS v. META PLATFORMS, INC. FKA FACEBOOK, INC., Case No. 23A 04019-6 (the “State Court Action”). Exhibit A, Complaint and Summons (“Compl.”).

2. On May 11, 2023, Plaintiff served the Complaint by delivering a copy to Meta’s registered agent in Georgia, Corporation Service Company. Exhibit B, Sheriff’s Entry of Service, dated May 11, 2023.

II. NATURE OF SUIT

3. Plaintiff has asserted an action for invasion of privacy against Meta and asserts that “DEFENDANT has recklessly disregarded Facebook users’ privacy rights by allowing third-party application to access their personal data without their knowledge or consent.” Compl. ¶ 1. Plaintiff asserts allegations on his behalf and millions of Facebook users who have initiated a class action in the United States District Court for the Northern District of California, Case No. 3:18-md-02843-VC. *Id.* Plaintiff seeks damages and other relief. *Id.* ¶ 18.

III. TIMELINESS OF REMOVAL

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days of May 11, 2023, that date upon which Plaintiff caused the Summons and Complaint to be delivered to Corporation Service Company as Meta’s registered agent. *See* Ex. B.

IV. BASIS FOR REMOVAL JURISDICTION – DIVERSITY JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. § 1332(a) because (i) there is complete diversity of citizenship between Plaintiff and Defendant and

(ii) the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

6. Plaintiff Leonidas Strothers f/k/a Gabriel Strothers is a Georgia citizen residing in Georgia. *See* Compl. ¶ 4.

7. Plaintiff incorrectly alleges that Meta was incorporated under the laws of Georgia. Compl. ¶ 5. However, it is a matter of public record that Defendant Meta is a citizen of California (the location of its principal place of business) and also a citizen of Delaware (its state of incorporation). *See* Meta Platforms, Inc., Annual Report (Form 10-K) at 1 (Feb. 8, 2023), <https://www.sec.gov/ix?doc=/Archives/edgar/data/0001326801/000132680123000013/meta-20221231.htm> (stating that Meta Platforms Inc.’s state of incorporation is Delaware and that its principal executive offices are located at 1601 Willow Road, Menlo Park, California, 94025)¹; *see also* 28 U.S.C. § 1332(c); *Wachovia Bank v. Schmidt*, 546 U.S. 303 317-18 (2006). Consequently, there is complete diversity.

¹ This information is publicly available on the website of a government agency, namely the Securities and Exchange Commission, and therefore the Court may take judicial notice of this fact because it is “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” The Court may take judicial notice of “a fact that is not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2); *Odion v. Google Inc.*, 628 F. App’x 635, 638 (11th Cir. 2015) (noting that a district court may take judicial notice of public records at the dismissal stage).

8. Plaintiff has demanded damages in excess of \$12 million. Compl. at 14-18 (“Strothers Fee Schedule”). Accordingly, the amount in controversy exceeds the jurisdictional threshold of \$75,000. 28 U.S.C. § 1332(a); *see also* 28 U.S.C. § 1446(c)(2) (amount in controversy determined by amount demanded in the initial pleading).

9. Because this court has jurisdiction pursuant to 28 U.S.C. § 1332(a), removal is proper under 28 U.S.C. § 1441.

V. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

10. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, and orders from the State Court Action which have been served upon Meta are being filed with this Notice of Removal.

11. This Notice of Removal has been filed within 30 days of the date that Meta was served with Summons and the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b)(1).

12. In accordance with 28 U.S.C. § 1446(d), this Notice of Removal is being filed in the State Court Action and written notice of the filing of this Notice of Removal will be given to all parties.

13. Meta is the only defendant in this action, so there is no other defendant that needs to join in or consent to this removal, and the removal

therefore complies with 28 U.S.C. § 1446(b)(2)(A).

14. This Court is in the federal judicial district embracing the State Court of Gwinnett County, where the State Court Action was originally filed. 28 U.S.C. § 1446(a).

Respectfully submitted, this 12th day of June, 2023.

s/ Jeffrey D. Horst

Jeffrey D. Horst

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Pro Hac Vice application to be filed

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, the undersigned counsel hereby certifies that the foregoing **NOTICE OF REMOVAL** complies with the font and point selections approved by the Court in Local Rule 5.1C. This document was prepared on a computer using Times New Roman font (14 point).

This 12th day of June, 2023.

s/ Jeffrey D. Horst

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing **NOTICE OF REMOVAL** by using the Court's CM/ECF filing system, which will automatically send service copies to all parties of record, and by depositing the same in the United States mail in a properly addressed envelope with adequate postage affixed thereon to ensure delivery to the following:

Leonidas Strothers
f/k/a Gabriel Strothers
4485 Lawrenceville Hwy #207
Lilburn, GA 30047
gabe2764@gmail.com

This 12th day of June, 2023.

s/ Jeffrey D. Horst
Jeffrey D. Horst
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